

AMENDED IN SENATE MAY 12, 2004
AMENDED IN SENATE AUGUST 21, 2003
AMENDED IN SENATE APRIL 22, 2003

Senate Constitutional Amendment

No. 8

Introduced by Senator Vasconcellos
(Principal coauthors: Senators Johnson and McPherson)
(Coauthor: Senator Speier)
(Coauthors: Assembly Members Bermudez, Leno, and Montanez)

February 20, 2003

Senate Constitutional Amendment No. 8—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by adding Section 15.5 to Article 1 thereof, relating to prisoners.

LEGISLATIVE COUNSEL'S DIGEST

SCA 8, as amended, Vasconcellos. Prisoners: rehabilitation.

Existing law requires the Director of Corrections to cause each person newly committed to state prison to be examined and studied, as specified, in order to, among other things, aid in the person's rehabilitation.

This measure would require the director to cause each person who becomes subject to the jurisdiction of the Department of Corrections on or after January 1, 2005, with the exception of inmates serving a sentence of imprisonment for life without the possibility of parole, within 90 days of entry, to be evaluated, as specified, with respect to his or her educational and vocational level of development and capacity and with respect to his or her psychosocial level of development and ability to lead a constructive life. Based on these evaluations, the

measure would require that a program be prescribed and implemented for the inmate that addresses his or her deficient levels of educational, vocational, and psychosocial development, as specified, so as to better equip him or her to lead a constructive life upon release from prison.

The measure would also require the Director of Corrections to make a parenting education course available to every inmate incarcerated in the state corrections system who is serving a sentence for a crime involving his or her child or a child formerly under his or her care. This measure would require the parenting course to be susceptible of completion within the sentence of the inmate, as specified, and would prohibit a reduction in the sentence for an inmate who failed to complete an available parenting course. The ~~bill~~ *measure* would require the Department of the Youth Authority to make a parenting course available to wards confined by that department under similar conditions and criteria.

This measure would provide that the sole remedy available to an inmate or ward who is eligible for, but does not receive, the assessment, rehabilitation program, or education course described in these provisions is a writ of mandate to compel the department or the director to provide that assessment, rehabilitation program, or education course.

This ~~bill~~ *measure* would further provide, commencing in the 2005–06 fiscal year, for the application of these provisions, subject to the availability of funding and other specified conditions, to other inmates incarcerated in the state corrections system.

The measure would provide that it would become operative on January 1, 2005.

Vote: ²/₃. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

1 WHEREAS, California law states that “the Legislature finds
2 and declares that the purpose of imprisonment for crime is
3 punishment”; and

4 WHEREAS, *The purpose of our entire system of law*
5 *enforcement and corrections ought to also be to promote the public*
6 *safety of all Californians. In fact, further research shows virtually*
7 *all police officers killed in the line of duty by another person were*
8 *killed by an ex-felon;*

9 WHEREAS, *The manner in which our current system of*
10 *corrections is operating is counterproductive to the goal of*



1 *promoting the public safety of all Californians. The Little Hoover*
 2 *Commission, a government watchdog agency on efficiency says*
 3 *“California’s parole system is a billion dollar failure. Forty-eight*
 4 *other states do a better job of getting parolees from the prison rolls*
 5 *to the tax rolls. In general, they rely more on education, job*
 6 *training, and drug treatments to keep parolees from coming back*
 7 *to prison...’; and*

8 *WHEREAS, California’s rate of recidivism is—very*
 9 *extraordinarily high, more than one in every two inmates paroled*
 10 *returns to prison; when compared to those of other comparable*
 11 *industrial states and other industrial western nations; and*

12 ~~*WHEREAS, The manner in which our current system of*~~
 13 ~~*corrections is now operating is counterproductive to the goal of*~~
 14 ~~*promoting the public safety of all Californians; and*~~

15 *WHEREAS, We owe it to the people of the State of California*
 16 *and their safety to far better attend systematically to the*
 17 *constructive rehabilitation of each of our prison inmates prior to*
 18 *his or her release from prison so as to better enable each of these*
 19 *inmates, upon emerging from prison into our midst, to do so live*
 20 *constructively and to not further endanger public safety; and*

21 ~~*WHEREAS, The purpose of our entire system of law*~~
 22 ~~*enforcement and corrections ought also to be to promote the public*~~
 23 ~~*safety of all Californians; and*~~

24 ~~*WHEREAS, This measure proposes to reform the corrections*~~
 25 ~~*system to*~~

26 *WHEREAS, The experience of other states (notably Maryland,*
 27 *Minnesota, and Ohio) demonstrates that the type of program*
 28 *proposed in this measure reduces recidivism by nearly 23 percent*
 29 *and that investment in this type of program pays off and saves*
 30 *taxpayer dollars by two dollars (\$2) in prison costs for every one*
 31 *dollar (\$1) invested; and*

32 *WHEREAS, By enacting this measure the Legislature intends to*
 33 *profoundly transform our corrections system to enable it to live up*
 34 *to its name, and to advance and ensure the public safety of all*
 35 *Californians by attending to the cure and development of inmates*
 36 *in ways that hold the most promise for enabling each of them to*
 37 *cure, or at least curb, his or her dangerous ways before his or her*
 38 *release from prison back into our midst such that each of them*
 39 *thereafter poses no further threat to our public safety; now,*
 40 *therefore, be it*

1 *Resolved by the Senate, the Assembly concurring,* That the
2 Legislature of the State of California at its 2003–04 Regular
3 Session commencing on the second day of December 2002,
4 two-thirds of the membership of each house concurring, hereby
5 proposes to the people of the State of California that the
6 Constitution of the State be amended as follows:

7 First—That Section 15.5 is added to Article I thereof, to read:

8 SEC. 15.5. (a) For each inmate who becomes subject to the
9 jurisdiction of the Department of Corrections on or after January
10 1, 2005,; with the exception of inmates who are serving a sentence
11 of imprisonment for life without the possibility of parole, all of the
12 following apply:

13 (1) The Director of Corrections shall cause both of the
14 following to occur:

15 (A) Within 90 days of entry, the inmate shall be evaluated in an
16 open, public, and comprehensive way with respect to his or her
17 educational and vocational level of development and capacity.

18 (B) Within 90 days of entry, the inmate shall be evaluated
19 comprehensively with respect to his or her psychosocial level of
20 development and ability to lead a constructive life.

21 (2) Based on the evaluations conducted pursuant to paragraph
22 (1), the Department of Corrections shall prescribe and implement
23 for each inmate a smart, comprehensive rehabilitation program
24 that addresses his or her deficient levels of educational, vocational,
25 and psychosocial development, so as to better equip him or her to
26 lead a constructive, safe life upon his or her release from prison
27 into our midst, as follows:

28 (A) The educational program shall be provided, as needed and
29 insofar as the length of sentence allows, to enable each inmate to
30 qualify to pass the California high school equivalency certificate
31 test and to obtain a California high school equivalency certificate,
32 or high school equivalent, while the inmate is incarcerated, if the
33 inmate has not yet advanced to that educational level.

34 (B) The psychosocial program shall be provided as needed to
35 enable each inmate to measure up to a standard of normalcy and
36 capacity to behave constructively and to lead a self-sufficient life,
37 according to a set of standard capacities as determined by an
38 advisory team of mental health experts appointed by the Director
39 of Corrections.



1 (C) The vocational capacity program shall be provided as
2 needed to equip each inmate to measure up to set vocational
3 standards, according to a standard skills level determined by an
4 advisory team appointed by the Director of Corrections, consisting
5 of persons knowledgeable in the arenas of employment and
6 vocational education.

7 (3) It is the intent of the people of the State of California that
8 this program be sufficiently funded and fully implemented so that
9 each inmate is enabled to prepare himself or herself to reenter our
10 community and live constructively and safely.

11 (4) It is the intent of the people of the State of California that
12 this program be annually monitored and assessed by the office of
13 the Inspector General, which shall annually report to the
14 Legislature and Governor with respect to the following:

15 (A) How well the program is being operated to live up to its
16 purpose, goals, and mandates.

17 (B) How the program could and should be improved.

18 (C) Whether the program is proving successful in reducing
19 recidivism and improving the public safety of Californians.

20 (5) The Director of Corrections shall make a parenting
21 education course available to every inmate incarcerated in the state
22 corrections system who is serving a sentence for a crime involving
23 his or her child or a child formerly under his or her care. The
24 parenting education course shall be designed to be susceptible of
25 completion within the sentences of these inmates, as adjusted for
26 eligible work, behavior, or other reduction. However, no
27 otherwise applicable reduction may be applied to the sentence of
28 any of these inmates who fails to complete this parenting
29 education, if the education is provided as required by this
30 subdivision.

31 (6) *An inmate who is eligible for, but does not receive, the*
32 *assessment, rehabilitation program, or education course*
33 *described in these provisions may file a petition for a writ of*
34 *mandate to compel the department to provide that assessment,*
35 *program, or course. This remedy is the sole remedy for a failure to*
36 *provide the assessment and program.*

37 (b) Commencing in the 2005–06 fiscal year, *to the extent that*
38 *funds are appropriated for this purpose, with priority given to each*
39 *inmate based upon the imminence of his or her release,* subdivision

40 (a) also applies to all other inmates subject to the jurisdiction of the

1 Department of Corrections, with the exception of inmates who are
2 serving a sentence of imprisonment for life without the possibility
3 of parole, ~~to the extent that funds are appropriated for this purpose.~~
4 The department shall accord highest priority, in expending funds
5 made available for this purpose, to those inmates who are nearest
6 to release from custody.

7 (c) ~~If~~ Once sufficient funds have been made available to apply
8 subdivision (a) to all inmates described in subdivisions (a) and (b),
9 upon a statutory finding and declaration by the Legislature that the
10 application of subdivision (a) to inmates who are serving a
11 sentence of imprisonment for life without the possibility of parole
12 would contribute to the safety of individuals who are operating and
13 residing in the state prison, subdivision (a) shall also apply to these
14 inmates to the extent that funds are appropriated for this purpose.

15 (d) (1) The Director of the Department of the Youth Authority
16 shall make a parenting education course available to every ward
17 confined by the department who is confined for an offense
18 involving his or her child or a child formerly under his or her care.
19 This parenting education course shall be designed to be susceptible
20 of completion within the terms of confinement of these wards, as
21 adjusted for eligible work, behavior, or other reduction. However,
22 no otherwise applicable reduction may be applied to the term of
23 confinement of any of these wards who fails to complete this
24 parenting education, if the education is provided as required by
25 this subdivision.

26 (2) *A ward who is eligible for, but does not receive, the*
27 *education course described in this section may file a petition for*
28 *a writ of mandate to compel the director to provide that education*
29 *course. This remedy is the sole remedy for a failure to provide the*
30 *education course.*

31 Second—That Section 15.5 of Article I shall become operative
32 on January 1, 2005.

